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**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

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**CRR-2697-2019 (O&M)  
Date of Decision: 28.04.2025**

Suman

..... Petitioner

Versus

State of Haryana and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Ms. Deepali Verma, Advocate  
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

Mr. Rajesh Sheoran, Advocate,  
for respondent No.2.

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**JASGURPREET SINGH PURI, J. (ORAL)**

1. The present revision petition has been filed challenging the order dated 20.09.2019 passed by learned Additional Sessions Judge (Special Court), Bhiwani whereby an application given by the prosecution under Section 319 Cr.P.C. for summoning of respondent No.2 as an additional accused has been dismissed.

2. Ms. Deepali Verma, learned counsel for the petitioner submitted that on 27.06.2019 an FIR bearing No.79 was registered under Section 354-D, 506 & 34 IPC and Section 12 of the POCSO Act at Police Station Women Police Station, Bhiwani on the basis of a complaint made by the petitioner by alleging that a Chemistry teacher of the School, namely, Ranjeet was indulged in doing bad act pursuant to bad intention with the daughter of the complainant since March, 2019 and has been threatening her. She further submitted that the allegations were leveled against the aforesaid

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Ranjeet and thereafter the matter was reported to the Principal and Director of the School, namely, Partap Singh, who is the person who is sought to be summoned as an additional accused in the present case and in this regard attempt was made to submit a formal complaint on 28.05.2019, but he did not permit the complainant to submit the same. She submitted that on 24.06.2019, as per the allegations when the complainant/petitioner went to the school along with her daughter and husband, then respondent No.2- Partap Singh, Director/Principal of the School asked the complainant/petitioner to keep her daughter at home and don't send her because she has spoiled the environment. Thereafter, the complainant/petitioner submitted a complaint to the Women Police Station on 24.06.2019. The Director/Principal has also not given the School Leaving Certificate of the children of the complainant.

3. Learned counsel for the petitioner further submitted that after the matter was investigated by the police on the basis of the aforesaid FIR dated 27.06.2019, the police presented challan against the aforesaid Ranjeet, who was the Chemistry teacher against whom the allegations with regard to indulging in bad acts were leveled in the FIR, but exonerated respondent No.2-Director/Principal of the school and in this way when the trial commenced, then on the basis of the deposition of the petitioner as a prosecution witness, an application was moved under section 319 Cr.P.C. for summoning respondent No.2 as an additional accused which was dismissed. She submitted that although the allegations of indulging in bad act pursuant to bad intention with the daughter of the complainant/petitioner is attributable to the other co-accused, namely, Ranjeet, who is now facing trial and there is no allegation pertaining to doing of any bad act against the

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Director/Principal, namely, Partap Singh (Respondent No.2), but once it was brought to the knowledge of the Director/Principal that the bad act has been committed, then it was his duty under the law to have informed the police but he failed to do so. Therefore, on this ground he ought to have been summoned as an additional accused.

4. On the other hand, Mr. Rajesh Sheoran, learned counsel for respondent No.2 submitted that a perusal of the FIR itself as well as the statement of the complainant/petitioner before the Court would show that no allegations have been leveled against respondent No.2 pertaining to any bad action committed by him, but the only grievance of the petitioner was that he did not inform the police and he did not take any action. He further submitted that the aforesaid allegation of not taking any action is also false in view of the fact that rather the complainant/petitioner herself approached the police and filed a complaint on 28.05.2019 and thereafter, she withdrew the complaint herself by giving in writing to the police that no wrongful act has been done to her daughter and the same is on the record and thereafter again for the second time on the basis of second complaint on 27.06.2019, the present FIR has been registered and therefore, it cannot be said that so far as the present respondent No.2 is concerned that he failed to discharge his duties by not informing the police because the complainant/petitioner herself informed the police and for the first time she withdrew the complaint thereafter on the second complaint the FIR was registered. He also submitted that although it has come up in the statement before the Court deposed by the petitioner/complainant that when she filed a complaint before the police then respondent No.2 had pressurized her to withdraw the complaint but that itself cannot become a ground for summoning respondent No.2 as an



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additional accused under Section 319 Cr.P.C. He further submitted that admittedly there is no allegation of any bad action done by the present respondent No.2 against the daughter of the complainant/petitioner, regarding which, there is no dispute but other collateral allegations have been made, regarding which, rather also respondent No.2 has been rightly exonerated by the police.

5. Learned counsel for respondent No.2 referred to a Constitutional Bench of Hon'ble Supreme Court in "**Hardeep Singh Vs. State of Punjab**"(2014) 3 SCC 92, to contend that whenever an application is moved under Section 319 Cr.P.C., then the Court has to apply its mind and the onus is on the basis of the standard of proof which is more than that of at the time of the framing of the charges and rather it is not only a *prima facie* but more than a *prima facie* case is to be set up for succeeding under Section 319 Cr.P.C. whereas in the present case on the face of it rather there is no such allegations against respondent No.2. Therefore, learned Additional Sessions Judge (Special Court), Bhiwani has rightly dismissed the application. He also submitted that in fact the present application was moved at the behest of the complainant/petitioner in order to blackmail respondent No.2, who is the Principal/Director of the school and to extract money out of him. He further submitted that rather the aforesaid co-accused i.e. the Chemistry teacher, namely, Ranjeet, has also been terminated from the school.

6. I have heard the learned counsels for the parties.

7. It is a case where the impugned order has been passed by learned Additional Sessions Judge (Special Court), Bhiwani while dealing with the application under Section 319 Cr.P.C. which was moved by the

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prosecution for summoning of respondent No.2 as an additional accused. A bare perusal of the FIR (Annexure P-1) would show that it consists of two parts wherein the name of two persons has been mentioned i.e. Ranjeet Singh and the present respondent No.2, namely, Partap Singh. In the first part of the FIR, the allegations have been leveled against the aforesaid Ranjeet Singh, who was the Chemistry teacher of the school that he in pursuance to bad intention has committed wrong act with the daughter of the complainant and he is facing trial for the same. In the second part, so far as respondent No.2 is concerned, it has been so alleged that when it was brought to the notice of the Principal, he did not co-operate with the petitioner and asked the petitioner to keep her daughter at home. The allegations of insult and humiliation was also made by the complainant against the present respondent No.2. However, there are no allegations against respondent No.2 pertaining to any wrongful act done by him to the daughter of the complainant/petitioner. The challan has been presented under Section 354-D, 506 & 34 IPC. It was argued by learned counsel for the petitioner that once the Principal of the school was informed about the aforesaid incident which had occurred with the daughter of the complainant by other co-accused, namely, Ranjeet Singh, then he should have informed the police and taken further action. On the other hand, it was argued by learned counsel for respondent No.2 that the complainant/petitioner herself had moved a complaint to the police on 28.05.2019 and later on she withdrew the said complaint and it was later on that on the basis of second complaint dated 27.06.2019, the present FIR was registered and in the aforesaid first complaint she had so stated to the police in writing that no wrongful act has been committed to her daughter which she later on withdrew.

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8. In this way, so far as the duty of the Principal/Director of the School for informing the police is concerned, the complainant herself had approached to the police by filing of the complaint. Therefore, on this ground itself, the respondent No.2 could not have been summoned under Section 319 Cr.P.C. for facing trial under Sections 354-D and 506 IPC. On the basis of the material on record, learned Additional Sessions Judge (Special Court), Bhiwani has dismissed the application under Section 319 Cr.P.C. and in the light of the aforesaid judgment of a Constitutional Bench of Hon'ble Supreme Court in ***Hardeep Singh's Case (Supra)*** wherein it was so held that it is not only a *prima facie* case but more than *prima facie* case is required to be proved and there has to be very strong and cogent reasons for summoning a person as an additional accused because that involves a liberty. The present is a revision petition filed by the petitioner and the scope of the revision petition is very limited. Intervention can be done only when it can be proved that the impugned order is totally perverse, against the record or without jurisdiction.

9. After hearing the learned counsels for the parties, this Court is of the considered view that no illegality and perversity can be found in the impugned order passed by learned Additional Sessions Judge (Special Court), Bhiwani and it is rather in the conformity with the law laid down by a Constitutional Bench of Hon'ble Supreme Court in ***Hardeep Singh's case (Supra)***. Consequently, finding no merit in the present petition, the same is hereby dismissed.

**28.04.2025***Bhumika***(JASGURPREET SINGH PURI)  
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable:        | Yes/No |